



**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:

PAULA BOUNDS,

Complainant,

and

**J & T RESTAURANT, INC.,
D/b/a BUSY BEE RESTAURANT,
PETER ARVANITIS,**

Respondents.

**CHARGE: 2000 CF 0667
EEOC: 21BA00019
ALS NO: 11381**

RECOMMENDED ORDER AND DECISION

On September 22, 2000, the Illinois Department of Human Rights (Department) filed a complaint on behalf of Complainant, Paula Bounds. That complaint alleged that Respondent, Busy Bee Restaurant, discriminated against her on basis of race.

FINDINGS OF FACT

The following findings of fact are based upon the case file in this matter.

1. On November 21, 2000, this matter was scheduled for a public hearing. On that date, a scheduling order was entered. Both Respondent and Complainant were present.
2. On March 21, 2001 a hearing was held pursuant to Respondent's Motion to Compel. Complainant was not present, Respondent was present. A copy of the order was served upon the Complainant.

3. On May 16, 2001, this matter was again set to be heard pursuant to Respondent's Motion to Compel. Again, Respondent appeared, Complainant did not. Respondent was then given leave to file a Motion to Dismiss. A copy of the order was served on Complainant.
4. The matter was set for status on June 13, 2001, and Respondent appeared, Complainant did not. To date, Complainant has not responded to the Motion to Dismiss.

CONCLUSIONS OF LAW

1. Complainant's failure to comply with discovery requests and Commission orders, or to make any attempt to explain those failures, has unreasonably delayed the proceedings in this case.
2. In light of Complainant's apparent abandonment of her claim, it is appropriate to dismiss this matter with prejudice.

DISCUSSION

Bounds and the Department were served with the Motion to Dismiss. Complainant, Paula Bounds, has taken absolutely no action to prosecute this matter since the complaint was filed by the Department. Despite being served with notice, she has not appeared at any of the scheduled hearings in this matter. Also, Complainant has failed to respond to discovery requests. None of these

failures on the part of the Complainant have been explained. Complainant's continued inaction has unreasonably delayed proceedings in this matter.

It appears that Complainant has simply abandoned her claim. As a result, it is appropriate to dismiss the claim with prejudice. See, Leonard and Solid Matter, Inc., __ Ill. HRC Rep. __, (1989CN 3091, August 25, 1992).

RECOMMENDATION

Based upon the foregoing, Complainant's inaction has unreasonably delayed the proceedings in this matter; it appears that she has abandoned her claim. Accordingly, it is recommended that this case be dismissed in its entirety, with prejudice.

HUMAN RIGHTS COMMISSION

BY:
WILLIAM H. HALL
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: June 18, 2001